

SHB 2162 - H AMD 1000

By Representative Fitzgibbon

1 On page 1, beginning on line 12, after "as long as the" strike all
2 material through "find" on line 13 and insert "shorelines hearings
3 board finds"

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5 On page 3, beginning on line 30, after "board," strike all
6 material through "finding that" on line 33 and insert "a permit
7 applicant may request, within ten days of the filing of the appeal
8 with the hearings board, a hearing before the hearings board to
9 determine whether construction landward of the shoreland area may be
10 commenced in advance of a final decision on the permit. The hearings
11 board shall hold a hearing and issue a decision on the request within
12 thirty days. The hearings board may not authorize the commencement of
13 construction landward of the shoreland area unless the hearings board
14 makes a finding that: Construction landward of the shoreland area will
15 not result in irreversible harm to the shoreline environment; and"

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17 On page 3, line 35, after "appeal." insert "The burden of proving
18 whether construction landward of the shoreland area may be commenced
19 under this section is on the permit applicant."

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21 On page 3, line 36, after "at the" strike "proponent's" and insert
22 "permit applicant's"

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24 On page 3, at the beginning of line 37, strike "project proponent"
25 and insert "permit applicant"

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1 On page 4, line 2, after "favoring the" strike "project proponent"
2 and insert "permit applicant"
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EFFECT: Changes the procedure for determining whether construction landward of the shoreland area may be commenced in advance of a related shoreline permit decision by the Shorelines Hearings Board (Board), including the following: Allowing a permit applicant to file a request for a hearing to the Board within 10 days of the filing of the appeal; requiring the Board to hold a hearing and issue a decision on the request within 30 days; and requiring the Board to consider whether construction landward of the shoreland area will result in irreversible harm to the shoreline environment in addition to the other criteria provided in the bill. Specifies that a permit applicant has the burden of proof regarding whether construction may be commenced. Changes references to "project proponent" to "permit applicant."

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